



**Austin City Council  
MINUTES**

**REGULAR MEETING  
THURSDAY, APRIL 20, 2000**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, April 20, 2000 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

INVOCATION – Reverend Richard M. West - Covenant United Methodist Church

Mayor Watson called the meeting to order at 9:27 a.m.

1. Approval of minutes for regular meeting of April 13, 2000  
The minutes for the regular meeting of April 13, 2000 were approved on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

Item 2 was a Briefing.

Items 3 - 4 were Executive Session items.

**CONSENT AGENDA**

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.

5. Approve a resolution authorizing negotiation and execution of a sixty-month lease of approximately 1,666 square feet of office space located at 700 Lavaca, from TRAVIS REALTY CORP., Austin, Texas, for the Government Relations Office of the Management Services Department, in an amount not to exceed \$248,241.52. (Funding in the amount of \$14,688 is available in the Fiscal Year 1999-2000 Amended Operating Budget of the Support Services Fund for Management Services. Funding for the remaining fifty-six months of the original contract period is contingent upon available funding in future budgets.)  
**Resolution No. 000420-05 was approved.**

6. Approve a resolution authorizing negotiation and execution of an amendment to the existing professional services agreement with: DANNENBAUM ENGINEERING CORPORATION, Austin, Texas; MAXIM TECHNOLOGIES INC., Austin, Texas; and KLOTZ ASSOCIATES, INC., Austin, Texas, for engineering design and construction phase services for the Build Greater Austin Street Rehabilitation Program, increasing the agreement in the amount of \$400,000, for a total amount of the three agreements not to exceed \$1,700,000. (Funding in the amount of \$400,000 is included in the 1999-2000 Amended Capital Budget of the Department of Public Works and Transportation.) DANNENBAUM ENGINEERING CORPORATION: 27.0% DBE subcontracting participation; MAXIM TECHNOLOGIES INC: 20.0% DBE subcontracting participation; and KLOTZ ASSOCIATES, INC: 32.4% DBE subcontracting participation.  
**Resolution No. 000420-06 was approved.**

**Items 7 through 9 were pulled for discussion.**

10. Authorize negotiation and execution of an amendment to the professional services agreement with HDR ENGINEERING, INC., Austin, Tx, for construction administration services for the Lamar Pedestrian/Bicycle Bridge, Phase 1, in the amount of \$480,850, for a total contract amount not to exceed \$1,968,316. (Funding in the amount of \$480,850 is available in the 1992-1993 Amended Capital Budget of the Department of Public Works & Transportation.) 46.38% MBE, 13.07% WBE subcontracting participation.  
**Resolution No. 000420-10 was approved.**

11. Approve ratification of Change Order #5 to the existing construction contract with BRAUN AND BUTLER CONSTRUCTION, INC., Austin, Texas, for additional labor and materials due to cave mitigation and extended general conditions for the Fire/EMS Station on River Place Boulevard, increasing the contract in the amount of \$33,860 for a total contract amount of \$1,997,858.90. (Funding in the amount of \$33,860 is available in the 1997-1998 Capital Budget of the Austin Fire Department.) No MBE/WBE participation in change order, 10.5% MBE, 3.15% WBE overall subcontracting participation.  
**Resolution No. 000420-11 was approved.**

12. Approve a resolution authorizing execution of a construction contract with SPAW GLASS CONTRACTORS, INC., Selma, Texas, for the Austin Convention Center Building Expansion Project, in the amount of \$66,557,000, plus \$998,355 contingency, for a total amount not to exceed \$67,555,355. (Funding in the amount of \$67,555,355 is available in the 1997-1998 Amended Capital Budget of the Austin Convention Center Department.) Low bid of four. 16.46% MBE; 4.22% WBE subcontracting participation.  
**This item was postponed to May 11, 2000.**

**Item 13 was pulled for discussion.**

14. Amend Ordinance No. 990914-1, the Fiscal Year 1999-2000 Operating Budget, by increasing revenue in the General Fund by \$290,974, increasing transfers from General Fund to Support Services Fund by \$40,000, and increasing appropriations in the Support Services Fund for the Office of the City Clerk by \$40,000 for expenditures associated with the May 6, 2000, election. (Funding in the amount of \$290,974 from Austin Independent School District and Austin Community College.) (Related to items 15 and 16.)  
**Ordinance No. 000420-14 was approved.**

15. Approve an Ordinance amending Ordinance No. 000302-31 relating to the May 6, 2000, General Municipal Election; Changing Polling Places, Judges and Alternate Judges in certain precincts; and Declaring an Emergency. (Related to items 14 and 16.)  
**Ordinance No. 000420-15 was approved.**
16. Approve a resolution authorizing joint election agreements between the City of Austin, Austin Independent School District, Austin Community College, and Leander Independent School District for a joint election on May 6, 2000. (City participation of \$135,140 is included in the 1999-2000 Amended Budget of the Support Services Fund for the Office of the City Clerk. Austin Independent School District participation is \$135,834. Austin Community College participation is \$155,140. City of Austin participation in Leander ISD sponsored facilities at no cost to the City of Austin.) (Related to items 14 and 15.)  
**Resolution No. 000420-16 was approved.**
17. Amend Ordinance No. 911017-A to designate the City Clerk as the Records Management Officer.  
**Ordinance No. 000420-17 was approved.**
18. Rescind Council approval of a seven year service agreement with SENTRY OFF SITE STORAGE, in an amount not to exceed \$954,529.30 and approve execution of two seven-year service agreements with IRON MOUNTAIN, Austin, Texas, and ARMSTRONG MOVING AND STORAGE, Round Rock, Texas, for records storage services in amounts not to exceed \$1,870,455.13 and \$65,233.32 respectively, with two 24-month extension options in amounts not to exceed \$664,086.73 and \$21,612.03 respectively for the first extension period and \$733,709.95 and \$23,151.36 respectively for the second extension period for total contract amount not to exceed \$3,268,251.86 and \$109,996.70 respectively. (Funding in the amount of \$74,107.76 was included in the 1999-2000 Amending Operating Budget of the Library Department. Funding for the remaining 79 months of the original contract and extension options is contingent upon available funding in future budgets.) (Related to Amend Ordinance No. 911017-A)  
**This item was postponed to May 11, 2000.**
19. Approve a resolution authorizing execution of a twelve month supply agreement with AUSTIN ARMOR PRODUCTS, New Ulm, Texas, for the purchase of body armor in an amount not to exceed \$63,000 with two twelve-month extension options in an amount not to exceed \$63,000 per extension for a total contract amount not to exceed \$189,000. (Funding in the amount of \$2,820 was included in the 1999-2000 Approved Operating Budget of the Emergency Medical Services Department. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of nine. No MBE/WBE subcontracting participation.  
**Resolution No. 000420-19 was approved.**
20. Approve a resolution authorizing execution of a contract with PTARMIGAN MACHINERY COMPANY, San Antonio, Texas, for the purchase and installation of a co-mingled sorting system and a horizontal baler system for recycled products at the City's Material Recycling Facility (MRF) located at 3810 Todd Lane in the amount of \$1,265,000 plus up to \$35,000 in early completion incentives for a total amount not to exceed \$1,300,000. (Funding is available in the 1999-2000 Approved Capital Budget of the Solid Waste Services Department.) Low bid of three. No MBE/WBE subcontracting participation. (Recommended by Solid Waste Advisory Board Review )  
**This item was postponed indefinitely.**

21. Approve a resolution authorizing an Interlocal Agreement between the City of Austin and Travis County to enhance the 9-1-1 emergency telephone system by mapping addresses in the unincorporated areas of Travis County, utilizing funding in an amount not to exceed \$64,587. (Funding is available from the 9-1-1 service fee administered by the Capital Area Planning Council to Travis County for the period September 1, 1999 through August 31, 2000.)  
**Resolution No. 000420-21 was approved.**
22. Approve a resolution authorizing the execution of three Interlocal Agreements between the City of Austin and the Capital Area Planning Council (CAPCO) related to the City's participation in the enhanced 9-1-1 emergency telephone system, which includes maintaining the Public Safety Answering Point (PSAP), upgrading equipment, providing addressing maintenance and training personnel, in an amount not to exceed \$205,589. (Funding will be provided by the Capital Area Planning Council to reimburse salary, supply and training costs associated with these agreements. The approved Fiscal Year 1999-2000 Operating Budget for the Austin Police Department includes a reimbursement from CAPCO of \$131,089 for addressing maintenance. In addition, the approved Fiscal Year 1999-2000 Operating Budget for the Infrastructure Support Services Department includes a reimbursement of \$70,000 for addressing maintenance, for a total budgeted reimbursement of \$201,089. The remaining reimbursement of \$4,500 will cover supply costs for APD (\$1,650), Austin EMS (\$1,300), Office of Emergency Management (\$250), and the Austin Fire Department (\$1,300), which were in the approved Fiscal Year 1999-2000 departmental budgets as reimbursements. The third agreement covers the transfer of ownership of existing Dictaphone recorder equipment from CAPCO to the City. The agreements are in effect September 1, 1999 through August 31, 2000.)  
**Resolution No. 000420-22 was approved.**
23. Approve a resolution authorizing the application for \$474,175 in seventh year grant funding from the Texas Department of Transportation, Texas Automobile Theft Prevention Authority, to continue the Auto Theft Interdiction Project in the Austin Police Department. (Grant funding is available from the Texas Department of Transportation, Texas Automobile Theft Prevention Authority, for the grant period September 1, 2000 -- August 31, 2001. An in-kind match is required. Funding for the continued operation of this program is contingent upon available funding in future budgets.)  
**Resolution No. 000420-23 was approved.**
24. Approve an ordinance approving seventh amendment to an agreement concerning creation and operation of North Austin Municipal Utility District revising the district land plan to modify the use of a certain 11.5 acre tract and a certain 22.7 acre tract from Multifamily to Office (GO uses and standards with the maximum impervious cover of 60% and a maximum height of 40 feet).  
**Ordinance No. 000420-24 was approved.**
25. Adopt a resolution approving the release of approximately 463 acres of extraterritorial jurisdiction (ETJ) from the City of Austin to the City of Lago Vista (located on the north shore of Lake Travis; east of the City of Lago Vista with frontage on Lohman Ford Rd.)  
**Resolution No. 000420-25 was approved.**
26. Approve a resolution authorizing execution of a 12-month supply agreement with ALLIANCE MEDICAL, INC., Russellville, Montana; AMERICAN LA FRANCE, Sanford, Florida; CONMED CORPORATION, Utica, New York; EMERGENCY MEDICAL PRODUCTS, INC., Waukesha, Wisconsin; SOUTHERN SAFETY SALES, INC., Austin, Texas; and SUNBELT MEDICAL/EMERGI-SOURCE, Hilton Head, South Carolina, for the purchase of medical supplies

for the Emergency Medical Services Department (EMS) and Austin Fire Department (AFD), in the amounts not to exceed \$41,420.80, \$82,965, \$71,000, \$229,825.70, \$84,067.05, and \$290,334.25 respectively; with two 12-month extension options of the same respective annual amounts, for total contract amounts not to exceed \$124,262.40, \$248,895, \$213,000, \$689,477.10, \$252,201.15, and \$871,002.75 respectively. (Funding in the amount of \$333,172 was included in the 1999-2000 Approved Operating Budgets for the Emergency Medical Services (\$299,839) and the Fire Department (\$33,333). Funding for the remaining seven months of the original contract period and extension options will be contingent upon available funding in future budgets.) Lowest six bids. No MBE/WBE subcontracting participation.

**Resolution No. 000420-26 was approved.**

27. Approve an ordinance granting a franchise to METRICOM, INC., for use of rights-of-way to construct a wireless data communications radio network. (Network will be under construction and will not be operational for customers during this fiscal year. No anticipated revenue for Fiscal Year 1999-2000 projected at this time. Revenue may result from future customer usage of the system to be estimated for subsequent years.)

**Ordinance No. 000420-27 was approved.**

28. Approve an ordinance granting a franchise to Grande Communications to provide cable and broadband services. (Cable system will be under construction and will not be operational for customers during this fiscal year. No anticipated revenue for Fiscal Year 1999-2000 projected at this time. Revenue may result from future customer usage of the system to be estimated for subsequent years.) (Third reading)

**Ordinance No. 000420-28 was approved.**

29. Approve an ordinance granting a franchise to WideOpenWest Texas, LLC to provide cable and broadband services. (Cable system will be under construction and will not be operational for customers during this fiscal year. No anticipated revenue for Fiscal Year 1999-2000 projected at this time. Revenue may result from future customer usage of the system to be estimated for subsequent years). (Third reading)

**Ordinance No. 000420-29 was approved.**

**Item 30 was pulled for discussion.**

31. Approve a resolution authorizing execution of an Interlocal Cooperation Agreement between the City and Travis County, Texas, which allows the latter to participate in a Wireless Messaging System by exercising an option in the City contract with Metrocall Inc.

**Resolution No. 000420-31 was approved.**

32. Approve a resolution identifying areas of the City's municipally owned electric utility, Austin Energy, that are competitive matters for purposes of the Texas Open Meetings Act and Texas Public Information Act, in accordance with provisions of the electric utility restructuring legislation (Senate Bill 7) enacted into law by the 76<sup>th</sup> Session of the Texas Legislature.

**This item was postponed to May 11, 2000.**

**Item 33 was pulled for discussion.**

34. C14-99-0084 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code zoning property locally known as 1605 Century Street from SF-2 Single Family Residence (Standard Lot) District zoning to LI-CO, Limited Industrial Services-Conditional Overlay Combining District zoning

with conditions. First reading on July 22, 1999; Vote 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by City Council at first reading. Applicant: Sylvia Burgin Agent: Jim Bennett. City Staff: David Wahlgren, 499-6455.

**Ordinance No. 000420-34 was approved.**

35. C14-99-0125 – H.E.B. – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7909 F.M. 1826 Road from SF-2, Single Family Residence (Standard Lot) District zoning and DR, Development Reserve District zoning to GR, Community Commercial District zoning. First reading on March 23, 2000; Vote: 6-0 (Slusher off the dais). Conditions met as follows: No conditions were imposed by City Council at first reading. Property Owner and Applicant: Jimmy Nassour. Agent: Bury & Partners, Inc. City Staff: Michele Rogerson, 499-2308.
- Ordinance No. 000420-35 was approved.**

**Item 36 was pulled for discussion.**

37. C14-99-0137 - Approve third reading of an ordinance amending Chapter 25-1 of the Austin City Code zoning property locally known as 9518 Anderson Mill Road from I-RR, Interim-Rural Residence District zoning and LI-CO, Limited Industrial-Conditional Overlay Combining District zoning with conditions. First reading on December 2, 1999; Vote 7-0. Second Reading on January 13, 2000; Vote 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by City Council at first reading.
- Applicant/Agent: William and Robert Balzen. City Staff: David Wahlgren, 499-6455.
- Ordinance No. 000420-37 was approved.**

38. C14-99-2042 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7907-8021 Southwest Parkway from GR, Community Commercial District zoning and LO, Limited Office District zoning to MF-2-CO, Multifamily Residence (Low Density)-Conditional Overlay Combining District zoning with conditions. First reading on December 16, 1999; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by City Council at first reading. Applicant: Hilltop Joint Venture (Ned Welsh); Agent: Remax Austin Association (Joseph Ranzani). City Staff: Adam Smith, 499-2755.
- This item was postponed to May 18, 2000.**

39. C14-99-0092 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property located 100 feet east of Woodward Street & Willowrun Drive from MF-3-CO, Multifamily Residence (Medium Density)-Conditional Overlay Combining District zoning with conditions and RR-CO, Rural Residence-Conditional Overlay Combining District zoning with conditions to MF-3-CO, Multifamily Residence (Medium Density)-Conditional Overlay Combining District zoning with conditions for Tract 1 and RR-CO, Rural Residence-Conditional Overlay Combining District zoning with conditions for Tracts 2 and 3. First reading on August 26, 1999; Vote 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by City Council at first reading. Owner: Austin 1825 Fortview; Applicant: City of Austin, Agent: Development Review and Inspection Department. City Staff: Adam Smith, 499-2775.
- This item was postponed to May 11, 2000.**

40. Set a public hearing to consider an ordinance amending Chapter 25-2 of the City Code relating to use and site development regulations for a two-family residential use. (Suggested Date and Time: May 11, 2000 at 6:00 p.m.)

**Resolution No. 000420-40 was approved.**

41. Set a public hearing to consider an ordinance amending Section 25-10-6 (Scenic Roadways Described) of the City Code to add additional roadways to the list of scenic roadways identified in the sign regulations. (Suggested Date and Time: May 11, 2000 at 6:00 p.m.)

**Resolution No. 000420-41 was approved.**

42. Set a public hearing to consider an ordinance amending Chapter 25 of the City Code relating to use and site development regulations and subdivision regulations for a Single Family Residence Small Lot District (SF-4A). (Suggested Date and Time: May 11, 2000 at 6:00 p.m.)

**Resolution No. 000420-42 was approved.**

43. Approve an ordinance extending the term of the Green Building Task Force from May 4, 2000 to November 4, 2000. (Council Member Gus Garcia and Mayor Pro Tem Jackie Goodman)

**Ordinance No. 000420-43 was approved.**

**Item 44 was pulled for discussion.**

**Items 45 through 53 were Citizen Communications.**

**Items 54 through 71 were Zoning items.**

**Items 72 through 80 were Public Hearings.**

**Items 81 through 82 were Austin Housing Finance Corporation.**

**Item 83 was an additional Citizen Communication item.**

### **BRIEFINGS**

2. Housing briefing
- *Update on Five-year Consolidated Plan*
  - *Housing Trust Fund Recommendations*
  - *Smart Housing Initiative*

**The presentations were given by Paul Hilgers, Community Development Officer, Margaret Shaw, Manager of Planning and Finance, and Stuart Hersh, Housing Division Manager of the Neighborhood Housing and Community Development Department.**

33. Approve an Ordinance that establishes a Housing Trust Fund Grant Program under Section 380.001, Texas Local Government Code, approves program guidelines, grants \$1,000,000 to the Austin Housing Finance Corporation, and transfers the Housing Trust Fund from the City of Austin to the AHFC for use in preserving and creating reasonably-priced housing, and authorizing an amendment to the existing contract between the City of Austin and AHFC by the amount of this grant. (Funding in the amount of \$1,000,000 set aside from General Fund for the Housing Trust Fund.) (Community Development Commission (CDC) considered, as part of the stakeholder review process, recommendations for the Housing Trust Fund. At their February 8, 2000 meeting the CDC approved recommendations included in the backup. These recommendations were consistent with the proposals submitted by the Austin Housing Opportunity Trust (AHOT) (Related to item 82)

**Ordinance No. 000420-33 was approved as amended on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote. The amendments were: (1) To direct the City Manager to find a source of funds other than the City's contributions; (2) Ask Intergovernmental Services to put together a legislative package that would allow the City to offer tax break incentives for those willing to invest in their homes; (3) Direct staff to prepare a long term financial plan; and (4) That time frames be included in the proposals brought forward to assure action will be taken.**

7. Approve a request from Sergio Lozano, LOC Consultants, L.L.P. on behalf of Davey Lewis Buratti and John Michael Buratti, for right-of-way vacation of the alley at the 1000 Block of East 6<sup>th</sup> Street. (The amount of \$22,636 in revenue will be received to the General Fund.) (Planning Commission made no recommendation)

**Ordinance No. 000420-07 was approved on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote.**

8. Approve a resolution authorizing execution of a construction contract with MAVERICK EXCAVATION, INC. Cedar Park, Texas, for street reconstruction and utility adjustments on Johnny Morris Road, from Martin Luther King Boulevard to Loyola Lane, in the amount of \$846,401.25 plus \$42,000 contingency, for a total amount not to exceed \$888,401.25. (Funding in the amount of \$864,479.25 is included in the 1999-2000 Amended Capital Budget of the Department of Public Works and Transportation; \$270 is included in the 1997-1998 Amended Capital Budget of the Water & Wastewater Utility; \$23,652 is included in the 1995-1996 Amended Capital Budget of the Water & Wastewater Utility.) Low bid of six. 5.5% MBE; 63.2% WBE subcontracting participation.

**Resolution No. 000420-08 was approved on Council Member Lewis' motion, Council Member Spelman's second by a 7-0 vote.**

9. Approve a resolution authorizing execution of a contract with TEXAS HIGHWAY PRODUCTS CORP, Round Rock Texas, to purchase 440 Signal Monitors for the Department of Public Works & Transportation in the amount of \$197,560. (Funding was included in the 1999-2000 Capital Budget of the Public Works Department.) Sole Source.

**Resolution No. 000420-09 was approved on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote.**

13. Approve a resolution authorizing execution of Change Order No. 2 to the existing construction contract with SOUTHWEST CONSTRUCTORS, INC. Austin, Texas, for overhead doors/fire shutters required in a fire corridor, for the Blackstock Clinic Renovations for HIV Services Project, increasing the contract in the amount of \$14,979.79 for a total contract amount not to exceed \$863,300.39. (Funding in the amount of \$14,979.79 is available in the 1999-2000 Approved Operating Budget of the Health and Human Department Disproportionate Fund.) 9.49% MBE; 0% WBE participation in change order, 24.62% MBE, 0.84% WBE overall subcontracting participation.

**Resolution No. 000420-13 was approved on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote.**

36. C14-99-0130 – Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property located at 16445 North IH-35 Northbound from SF-2 Single Family (Standard Lot) District zoning to GR-CO, Community Commercial - Conditional Overlay Combining District zoning with conditions. First reading on February 17, 2000; Vote 7-0.

Applicant: Security Land Investments (Waymon Levell); Agent: Lopez-Phelps, Vaughn and Associates (Rick Vaughn). City Staff: David Wahlgren, 499-6455.

**The second reading of this ordinance was approved with an amendment that the ordinance not prohibit pawn shops on Council Member Spelman's motion, Council Member Slusher's second on a 7-0 vote.**

**The motion to recess the Council meeting at 11:32 a.m. was approved on Council Member Spelman's motion, Council Member Slusher's second by a 7-0 vote.**

**The meeting was called back to order at 1:37 p.m.**

#### CITIZEN COMMUNICATIONS

45. Jennifer L. Gale – Mayoral Candidate for the May 6, 2000 Election
46. Robert Welch – Traffic Problem in Neighborhood. No Help from City
47. Jim Walker – Mueller Redevelopment
48. Gus Peña – Discuss City Clinics; Homeless Issues and the need for Transitional Housing - **ABSENT**
49. Jimmy Castro – Cinco de Mayo Celebration
50. Alvin Youngblood – Parks and Recreation Prices
51. Paul Martin – Central Booking
52. Anthony Garcia – Central Booking Movement
53. Paul Robbins
83. Nico Ilai - Southwestern Bell expansion of the Hickory Building in the Dawson Neighborhood.

#### **Special Recognition of Green Choice Corporate Sponsors**

#### DISCUSSION ITEMS

44. Approve a resolution directing the City Manager to designate city matching funds for the 2004 Capital Area Metropolitan Planning Organization (CAMPO) priority projects in the proposed 2004 bond sale. (Mayor Kirk Watson and Council Member Gus Garcia)  
**Resolution No. 000420-44 was approved on Council Member Lewis' motion, Council Member Garcia's second on a 7-0 vote.**
30. Approve negotiation and execution of a 36-month contract with Bonding and Technical Services, Inc., Austin, Texas, to provide technical business assistance, bonding, financing and legal consulting services to Minority and Women Owned Business Enterprises (MBE/WBE) and other small businesses in an amount not to exceed \$4,975,894, with up to two additional 24-month extension options in an amount not to exceed \$3,947,695 per extension for a total amount not to exceed \$12,871,284. (Funding in the amount of \$29,000 is available in the 1999-2000 Approved Operating Budget of the Aviation Department, \$119,658 is available in the 1999-2000 Amended Operating Budget of Austin Energy, \$75,000 is available in the 1999-2000 Approved Operating Budget the Support Services Fund for Finance and Administrative Services Department, \$144,000 is available in the 1999-2000 Approved Operating Budget of the Water and Wastewater Utility, \$23,000 is available in the Approved Operating Budget of the Austin Convention Center, \$14,000 is available in the 1999-2000 Approved Operating Budget of the Watershed Protection Department, and \$10,000 is available in the 1999-2000 Approved Operating Budget of the Solid Waste Services Department. There is no unanticipated fiscal impact. Funding for the remaining 33 months of the

original contract period and extension options is contingent upon available funding in future budgets.) 17% MBE, 16.8% WBE subcontracting participation. Best of two proposals.

**Resolution No. 000420-30, approving the negotiation of the 36 month contract, was approved by Council Member Garcia's motion, Council Member Lewis' second by a 7-0 vote.**

**The motion to recess the Council meeting at 3:25 p.m. and go into Executive Session was approved on Mayor Pro Tem Goodman's motion, Mayor Watson's second by a 7-0 vote.**

### **EXECUTIVE SESSION**

**The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.**

### **Private Consultation with Attorney - Section 551.071**

3. Discuss *FM Properties Operating Co. v. City of Austin*, Cause No. 98-0685, in the Supreme Court of Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
4. Discuss legal issues regarding labor negotiations with the Austin Police Association.

### **CONSENT ZONING**

**All of the following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and the consent items were approved on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.**

54. C14-86-300 -- Home Depot - Public hearing to amend Chapter 25-2 of the Austin City Code by amending a restrictive covenant for property locally known as 3500-3600 South IH-35. Planning Commission Recommendation: To deny the restrictive covenant amendment. Applicant: STE-35; Agent: Armbrust Brown & Davis, LLP (Richard T. Suttle, Jr.). City Staff: Adam Smith, 499-2755. (continued from 2/17/00, 3/9/00 and 3/30/00)  
**This item was tentatively postponed to May 11, 2000 giving the City Manager the authority to schedule the zoning cases based on the complexity of the Council's agenda for that day.**
55. C14-99-2024 -- Home Depot - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located at 3500-3600 South IH-35 from GR, Community Commercial District zoning and RR, Rural Residence District zoning to CS, General Commercial Services District zoning and RR, Rural Residence District zoning. Planning Commission Recommendation: To Deny CS, General Commercial Services District zoning and RR, Rural Residence District zoning. Applicant: STE-35 (Mike Palmer/Charles Ball); Agent: Armbrust Brown & Davis, LLP (Richard T. Suttle, Jr.). City Staff: Adam Smith, 499-2755. (continued from 2/17/00, 3/9/00 and 3/30/00).  
**This item was tentatively postponed to May 11, 2000 giving the City Manager the authority to schedule the zoning cases based on the complexity of the Council's agenda for that day.**
56. C14-85-288.10 RCT -- Public hearing to amend Chapter 25-2 of the Austin City Code by terminating a restrictive covenant for property located at Sunset Ridge Drive and Old Bee Caves Road. Planning Commission Recommendation: To grant the termination request. Applicant: Dick Rathgeber; Agent: Barry Campbell. City Staff: Katie Larsen, 499-3072.

**This item was postponed indefinitely.**

57. C14-99-2037 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 500-1100 East Stassney Lane from LR, Neighborhood Commercial District zoning and GO, General Office District zoning to GR, Community Commercial District zoning. Planning Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions. Applicant: Stassney Heights, Ltd. (James H. Matoushek, Treasurer); Agent: Consort, Inc. (Ben Turner). City Staff: Trann Lackey, 499-3341.  
**Ordinance No. 000420-57 was approved. A private agreement was reached and will be a part of the official records on this zoning case.**
58. C14-99-2064 (Lot 11) – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1003-1005 East 39<sup>th</sup> Street from SF-3, Family Residence District zoning to NO-MU, Neighborhood Commercial-Mixed Use District zoning with conditions. Planning Commission Recommendation: To deny to NO-MU, Neighborhood Commercial-Mixed Use District zoning with conditions. Applicant: Carlton and Caroline Thornburgh and Todd and Bridget McCullough. Agent: Sara Crocker. City Staff: Katie Larsen, 499-3072. (continued from 2/17/00)  
**This item was withdrawn from consideration.**
60. C14-99-2105 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property located along State Highway 71 East from I-RR, Interim-Rural Residence District zoning to RR, Rural Residence District zoning. Planning Commission Recommendation: To grant RR, Rural Residence District zoning. Owner: Bruce & Cherry Hyde. Applicant: City of Austin; Agent: Development Review & Inspection Department. City Staff: Don Perryman, 499-2786.  
**Ordinance No. 000420-60 was approved.**
61. C14-99-2126 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 8226 North Lamar Boulevard from MF-3, Multifamily Residence (Medium Density) District zoning and CS-1, Commercial Liquor Sales District zoning to CS-CO, General Commercial Services-Conditional Overlay Combining District zoning with conditions. Planning Commission Recommendation: CS-CO, General Commercial Services-Conditional Overlay Combining District zoning with conditions. Applicant: Toner Plus Ltd. I (Tom Goebel); Agent: Lopez-Phelps, Vaughn & Associates (Amelia Lopez-Phelps). City Staff: Katie Larsen, 499-3072.  
**Ordinance No. 000420-61 was approved.**
62. C14-99-2143 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located at Sunset Ridge Drive at Old Bee Caves Road from RR, Rural Residence District zoning to SF-2, Single-Family Residence (Standard Lot) District zoning. Planning Commission Recommendation: SF-2-CO, Single-Family Residence (Standard Lot)-Conditional Overlay Combining District zoning with conditions. Applicant: Edward R. Rathgeber; Agent: Barry Campbell. City Staff: Katie Larsen, 499-3072.  
**The first reading of the ordinance was approved.**
63. C14-99-2144 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located at Sunset Ridge Drive and Old Bee Caves Road from IP, Industrial Park District zoning, LR, Neighborhood Commercial District zoning and GR, Community Commercial District zoning to SF-2, Single-Family Residence (Standard Lot) District zoning with conditions. Planning Commission Recommendation: SF-2-CO, Single-Family Residence (Standard Lot)-Conditional

Overlay Combining District zoning with conditions. Applicant: Edward R. Rathgeber, Jr.; Agent: Barry Campbell. City Staff: Katie Larsen, 499-3072.

**The first reading of the ordinance was approved.**

64. C14-00-2001 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property located 8500 State Highway 71 West from I-RR, Interim Rural-Residence District zoning to RR, Rural Residence District zoning. Planning Commission Recommendation: To Grant RR, Rural Residence District zoning. Owner: Forrest & Ruby Stubbs. Applicant: City of Austin; Agent: Development Review & Inspection Department. City Staff: Adam Smith, 499-2755.  
**Ordinance No. 000420-64 was approved.**
65. C14-00-2002 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property located at 3001 FM 973, 3000 Fallwell Lane, a portion of land along Fallwell Lane, 3000 and 3001 Michoacan Drive, and 3006, 3008, 3010, 3012, 0314, 3016 and 3018 Guerrero Drive from I-RR, Interim-Rural Residence District zoning to RR, Rural Residence District zoning. Planning Commission Recommendation: To Grant RR, Rural Residence District zoning. Owners: James and Angela Toliver, Travis County, TX., Candance Rangel, Joe A. Gunn, David McNabb, Lori Oellett, C. A. and Neva Hyatt, Joyce Etal Fierce, Tracy Byram, Mary Elena De La Rosa Franks, Glafiro & Carmen Galindo, Madeline P. Blaylock and Sue Anderson Blaylock. Applicant: City of Austin; Agent: Development Review & Inspection Department. City Staff: Adam Smith, 499-2755.  
**Ordinance No. 000420-65 was approved.**
67. C14-00-2005 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 8431 and 8437 State Highway 71 West from I-RR, Interim-Rural Residence District zoning to RR, Rural Residence District zoning. Planning Commission Recommendation: To Grant RR, Rural Residence District zoning. Owner: Evelyn & Marvin Bassford and Carmen Mabry; Applicant: City of Austin; Agent: Development Review and Inspection Department. City Staff: Adam Smith, 499-2755.  
**Ordinance No. 000420-67 was approved.**
68. C14-00-2025 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 8100 Brodie Lane from LR, Neighborhood Commercial District zoning to GR, Community Commercial District zoning. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions. Applicant: Brodie Plaza Joint Venture & LYS Corporation (Lily Saad); Agent: Crocker Consultants (Sarah Crocker). City Staff: Michele Rogerson, 499-2308.  
**The first reading of the ordinance was approved.**
69. C14-00-2028 – South Austin Senior Activity Center – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 3903 Manchaca Road from SF-3, Family Residence District zoning to P, Public District zoning. Planning Commission Recommendation: To grant P, Public District zoning. Applicant: City of Austin, Agent: Parks and Recreation Department (Sarah Campbell). City Staff: Michele Rogerson, 499-2308.  
**Ordinance No. 000420-69 was approved.**
70. C14-00-2032 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 3020 West Slaughter Lane from LR-CO, Neighborhood Commercial-Conditional Overlay Combining District zoning to LR, Neighborhood Commercial District zoning. Planning Commission Recommendation: To grant LR-CO, Neighborhood Commercial-Conditional

Overlay Combining District zoning with conditions. Applicant: Hays City Corporation (Tim Ramsey); Agent: Crocker Consultants (Sarah Crocker). City Staff: Michele Rogerson, 499-2308.  
**Ordinance No. 000420-70 was approved.**

71. C14-00-2062 – Bennett Property - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located East 11<sup>th</sup> Street on the north, the alley between East 7<sup>th</sup> Street and East 8<sup>th</sup> Street on the south, Interstate Highway 35 South on the west and San Marcos Street on the east from CS-NCCD, General Commercial Services-Neighborhood Conservation Combining District zoning and SF-3-NCCD, Family Residence-Neighborhood Conservation Combining District zoning to CS-NCCD, General Commercial Services-Neighborhood Conservation Combining District zoning. Planning Commission Recommendation: To be considered by the Planning Commission on April 11, 2000. Owners: Joseph C. Wooten, Elena S. Lopez, State of Texas, Joe C. Franzetti, Donald Thomas & Jomar Joseph, John & Jo Ann A. Thompson, Guadalupe Neighborhood Development Corp., Jomar Joseph Partners, Ltd., Austin Skyline Associate. Applicant: City of Austin; Agent: Development Review & Inspection Department. City Staff: Adam Smith, 499-2755.

**This item was tentatively postponed to May 11, 2000 giving the City Manager the authority to schedule the zoning cases based on the complexity of the Council's agenda for that day.**

### ZONING DISCUSSION ITEMS

59. C14-99-2066 – Allen-Williams House – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1206 San Antonio Street and 505 West 13<sup>th</sup> Street from GO, General Office District zoning to DMU-H, Downtown Mixed Use-Historic District zoning and DMU, Downtown Mixed Use District zoning. Planning Commission Recommendation: To grant to DMU-H-CO, Downtown Mixed Use-Historic-Conditional Overlay Combining District zoning with conditions for Tract 1, and DMU-CO, Downtown Mixed Use-Conditional Overlay Combining District zoning with conditions for Tracts 2 and 3. Applicant: Texas Association of Counties Workers Compensation Self Insurance (Terry Wyatt); Agent: Armbrust Brown & Davis, LLP (Richard Suttle, Jr). City Staff: Don Perryman, 499-2786.

**The public hearing was closed on Council Member Griffith's motion, Mayor Watson's second on a 6-0 vote. Council Member Garcia was off the dais.**

**The first reading of the Planning Commission's recommendation was approved on Council Member Spelman's motion, Council Member Garcia's second on a 7-0 vote.**

66. C14-00-2003 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 7500 Old Bee Caves Road from I-RR, Interim-Rural Residence District zoning to RR, Rural Residence District zoning. Planning Commission recommendation: To Grant RR, Rural Residence District zoning. Owner: Robert & Beth DeVictoria; Applicant: City of Austin; Agent: Development Review & Inspection Department. City Staff: Adam Smith, 499-2755.

**The public hearing was closed and the first reading for RR zoning was approved on Mayor Pro Tem Goodman's motion, Council Member Garcia's second on a 7-0 vote. Before the second and third reading, staff was requested to determine how the existing zoning occurred and if the adjacent property owners were properly notified. The City retains the right to withdraw this item for further consideration in the future.**

**The motion to recess the Council meeting at 4:54 p.m. was approved on Council Member Slusher's motion, Council Member Griffith's second on a 7-0 vote.**

be granted subject to a vote by Council with a motion being to deny zoning and requiring a simple majority;

- a proposal for how to institute an affordability impact statement for action by the city;

The friendly amendment by Council Member Slusher was that the City Manager come back with a plan to involve the corporate sector financially in the housing trust fund.

These friendly amendments were accepted by the maker of the motion and Council Member Garcia, who seconded the motion.

77. Approve an ordinance amending the Land Development Code and waiving certain fees to implement the SMART Housing Initiative. (Recommended by the Water and Wastewater Commission Planning Commission Review 4/18/00; Recommended by the Building and Fire Code Board, Recommended by the Community Development Commission)  
**Ordinance No. 000420-77 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Council Member Griffith was off the dais.**
74. Conduct a public hearing to consider approval of a variance request from Emile Jamail Properties, Inc. to allow: (1) construction of a building and parking area; and (2) exclusion of the building's footprint from a drainage easement to be dedicated as a result of this development in the 100-year floodplain of East Bouldin Creek at 1209 and 1301 South 1<sup>st</sup> Street.  
**The public hearing was closed on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Council Member Griffith was off the dais.**
79. Consider approval of a variance request from Emile Jamail Properties, Inc. to allow: (1) construction of a building and parking area; and (2) exclusion of the building's footprint from a drainage easement to be dedicated as a result of this development in the 100-year floodplain of East Bouldin Creek at 1209 and 1301 South 1<sup>st</sup> Street.  
**Ordinance No. 000420-79 was approved on Council Member Spelman's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.**

**The motion to recess the Council meeting at 6:24 p.m. and convene the Board of Director's Meeting of the Austin Housing Finance Corporation was approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.**

#### **BOARD OF DIRECTOR'S MEETING OF AUSTIN HOUSING FINANCE CORPORATION**

**A Board meeting of the Austin Housing Finance Corporation (AHFC) was convened. Items 81-82 were the AHFC items considered by the Austin Housing Finance Corporation's Board of Directors.**

81. Approve the duties of the Austin Housing Finance Corporation(AHFC) as set forth in the SMART Housing Initiative of the City of Austin(COA) and approve amending the contract between AHFC and COA to incorporate the duties of AHFC in said contract. (Recommended by the Water and Wastewater Commission Planning Commission Review 4/18/00; Recommended by the Building and Fire Code Board, Recommended by the Community Development Commission)

**Resolution No. 000420-81 was approved on Board Member Spelman's motion, Board Member Garcia's second by a 7-0 vote.**

82. Approve a Resolution appropriating \$1,000,000 from the City under its Housing Trust Fund Grant Program, transferring the Housing Trust Fund, approving Trust Fund Program Guidelines and amending the Corporation's 1999-2000 budget. Authorize an amendment to increase the existing contract between the City of Austin and Austin Housing Finance Corporation by \$1,000,000. (Funding in the amount of \$1,000,000 in funds set aside by the City of Austin from the General Fund for the establishment of a Housing Trust Fund.) (Community Development Commission (CDC) considered, as part of the stakeholder review process, recommendations for the Housing Trust Fund. At their February 8, 2000 meeting the CDC approved recommendations included in backup. These recommendations were consistent with the proposals submitted by the Austin Housing Opportunity Trust (AHOT)).

**Resolution No. 000420-82 was approved with a friendly amendment on Board Member Spelman's motion, Board Member Garcia's second by a 7-0 vote. The friendly amendment was to direct the City Manager to look at the upcoming budget to see if we can match last year's \$1,000,000 and, to investigate a program to fund land owned by the City in June of 1997 that was unimproved or under utilized but because of action taken to better utilize that property on behalf of the tax payers has resulted in additional Council tax revenue. Then develop a program to put a percentage of the new property tax revenue from that developed property into the trust fund. In future action, the City will be in position to transfer those dollars to the Austin Housing Finance Corporation.**

**The Council meeting was reconvened at 6:39 p.m. on Council Member Garcia's motion, Council Member Slusher's second on a 7-0 vote.**

### **PUBLIC HEARINGS CONTINUED**

75. Conduct a public hearing on the appeal of the Planning Commission's decision to approve a conditional use permit site plan with variances for South Park Meadows Amphitheater Improvements, an outdoor entertainment and cocktail lounge use located at 9600 South Interstate Highway 35, Southbound. Appellants: Armbrust, Brown & Davis (Richard Suttle, Jr.), and Ms. Clara Touchet. Property Owner: Abel J. & Mary Ann Theriot Family Limited Partnership. Applicant: Abel J. and Mary Theriot Family Limited Partnership (Suzanne Sanders). Agent: Armbrust Brown & Davis (Richard T. Suttle, Jr.). File #SPC-99-2027A. (continued from 3/30/00 and 4/6/00)

**The public hearing was closed on Council Member Slusher's motion, Council Member Griffith's second by a 6-0 vote. Council Member Garcia was off the dais.**

80. Consider a resolution regarding an appeal of the Planning Commission's decision to approve the conditional use permit site plan with variances for South Park Meadows Amphitheater Improvements an outdoor entertainment and cocktail lounge use located at 9600 South Interstate Highway 35, Southbound. Appellants: Armbrust, Brown & Davis (Richard Suttle, Jr.), and Ms. Clara Touchet. Property Owner: Abel J. & Mary Ann Theriot Family Limited Partnership. Applicant: Abel J. and Mary Theriot Family Limited Partnership (Suzanne Sanders). Agent: Armbrust Brown & Davis (Richard T. Suttle, Jr.).

**Ms. Clara Touchet's appeal was denied and the resolution was amended to include an additional stipulation that the purposes of the sound permit the boundaries be set at Slaughter Lane on the north and the western drain way on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.**

**ADJOURNED at 9:04 p.m. on Council Member Spelman's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.**

**The minutes for June 15, 2000 Oath of Office and Regular Meeting of April 20, 2000 and June 8, 2000 were approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second by a 7-0 vote.**